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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,318	04/08/2004	Guang Yang Li	USP3765A-NCI	8544
7590 Raymond Y. Chan Suite 128 108 N. Ynez Avenue Monterey Park, CA 91754			EXAMINER GROSSO, HARRY A	
			ART UNIT 3781	PAPER NUMBER
			MAIL DATE 04/29/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/820,318	<b>Applicant(s)</b> LI, GUANG YANG	
	<b>Examiner</b> HARRY A. GROSSO	<b>Art Unit</b> 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15, 16, 19, 22, 23, 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaisanen (6,382,279) in view of Sibole, of record.

3. Regarding claim 15, Vaisanen discloses a basket made from a tree trunk having an inner wood section and an outer wood section formed from the tree trunk with a top surface (2, Figures 1 and 2, column 1, lines 54-64), a bottom surface (3), a body which has a physical contour of the tree portion and a cavity (17, column 2, lines 53-55).

Vaisanen discloses the bark is removed from the body to expose the contour of the wood surface. Sibole discloses a similar basket formed from a tree trunk in which the bark is not removed to enhance the visual appearance (Figure 1 and 2). Since the purpose of removing the bark in Vaisanen is to expose the grooved and gnarled wood surface (column 1, lines 62-64) and Sibole discloses a similar basket with the bark left on to provide the same effect, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of the bark on the outside of the trunk to provide an alternate method for providing the visual appearance desired by Vaisanen.

4. Regarding claim 16, the basket of Vaisanen as modified by Sibole has an inner portion formed by the inner wood section of the tree trunk and an outer portion formed by the outer portion of the tree trunk.

5. Regarding claim 19, the basket of Vaisanen as modified by Sibole has at least one kind of natural imperfection as defined in Vaisanen and seen in Sibole (Figure 1).

6. Regarding claims 22 and 23, Vaisanen discloses providing a tree trunk with an inner and an outer wood section, forming a first cut for the top surface (2), forming a second cut for the bottom surface (3), and forming a cavity (17) in a body portion, the body having a physical contour of the tree portion. Vaisanen discloses the bark is removed from the body to expose the contour of the wood surface. Sibole discloses a similar basket formed from a tree trunk in which the bark is not removed to enhance the visual appearance (Figure 1 and 2). Since the purpose of removing the bark in Vaisanen is to expose the grooved and gnarled wood surface (column 1, lines 62-64) and Sibole discloses a similar basket with the bark left on to provide the same effect, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of the bark on the outside of the trunk to provide an alternate method for providing the visual appearance desired by Vaisanen.

The examiner considers the term "carving" to constitute a product by process limitation that does not materially affect structure.

7. Regarding claim 25, Vaisanen as modified by Sibole discloses forming a basket having at least one kind of natural imperfection as defined in Vaisanen and seen in Sibole (Figure 1).

8. Regarding claims 27 and 28, Vaisanen as modified by Sibole discloses forming a basket having an inner portion formed by the inner wood section of the tree trunk and an outer portion formed by the outer portion of the tree trunk.

9. Claims 17, 18, 21, 24, 26 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaisanen as modified by Sibole in view of Whyte (6,896,148).

10. Regarding claims 17 and 18, Vaisanen as modified by Sibole discloses the invention except for a handle integrally extended from the body portion and carved from the tree trunk. Whyte disclosed a basket made from a single tree element with a handle integrally carved from the top portion of the basket and extending from the top of the body portion of the basket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a handle integrally carved from the top portion of the basket and extending from the top of the body portion of the basket as disclosed by Whyte in the basket disclosed by Vaisanen as modified by Sibole to provide a means for carrying the basket.

11. Regarding claims 20 and 21, the invention is disclosed by Vaisanen as modified by Sibole and Whyte with the basket having at least one kind of natural imperfection as defined in Vaisanen and seen in Sibole (Figure 1).

12. Regarding claim 24, Vaisanen as modified by Sibole discloses the invention except for forming a handle integrally extending from the body portion and carved from the tree trunk. Whyte disclosed a basket made from a single tree element and forming a handle integrally carved from the top portion of the basket and extending from the top of the body portion of the basket. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to have incorporated the forming of a handle integrally carved from the top portion of the basket and extending from the top of the body portion of the basket as disclosed by Whyte in the basket disclosed by Vaisanen as modified by Sibole to provide a means for carrying the basket.

13. Regarding claim 26, the invention is disclosed by Vaisanen as modified by Sibole and Whyte with the basket having at least one kind of natural imperfection as defined in Vaisanen and seen in Sibole (Figure 1).

14. Regarding claim 29, the invention is disclosed by Vaisanen as modified by Sibole and Whyte forming a basket having an inner portion formed by the inner wood section of the tree trunk and an outer portion formed by the outer portion of the tree trunk.

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARRY A. GROSSO whose telephone number is (571)272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony D Stashick/  
Anthony Stashick  
Supervisory Patent Examiner  
Art Unit 3781

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